

REMARKS

Introductory Comments

Reconsideration of the above-identified application in view of the above amendments and foregoing arguments is respectfully requested.

Claims 31 and 34-38 are pending and under consideration. The specification and claim 31 have been amended as explained below. No new matter has been added as a result of these amendments.

Claim Objections

Claim 31 is objected to because the term "interspecific" is misspelled. Applicant has corrected the misspelling. Accordingly, Applicant respectfully requests withdrawal of the objection of claim 31 for this informality.

Rejection of Claim 31 Under 35 U.S.C. § 112, Second Paragraph

Claim 31 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that step (d) is indefinite in its recitation of "an interspecific impatiens plant" because it is unclear which population of impatiens is selected. The Examiner suggests that the Applicant inserts language that more specifically describes the resultant interspecific plants from step (c).

Applicant has amended claim 31 as suggested by the Examiner. Applicant thanks the Examiner for her suggestion. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Rejection of Claims 31 and 34-38 Under 35 U.S.C. § 112, First Paragraph

Claims 31 and 34-38 are rejected under 35 U.S.C. § 112, first paragraph, for not enabling a person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope of the claims.

Specifically, the Examiner contends that the specification, while being enabling for a method of crossing the proprietary *Impatiens flaccida* plant disclosed on page 4 with a *I. hawkeri* Java series and selecting an interspecific plant with a trailing habit, does not reasonably provide enablement for all lines of *I. flaccida*. The Examiner states that as noted by Applicant on page 3 of the specification, Arisumi (1980) and Arisumi (1985) state that no seedling were obtained from crossing *I. flaccida abba* with *I. herzogii*. The Examiner therefore concludes that based on this finding, one cannot assume that Applicant's own experiment would always work without Applicant's proprietary impatiens line deposited at the American Type Culture Collection.

In order to obviate the rejection, it appears that the Examiner suggests that Applicant should amend the claims to point out that the starting material as noted on page 4 is the proprietary line deposited at the ATCC.

Applicant respectfully traverses this rejection.

However, in order to expedite prosecution of the instant application, Applicant has amended claim 31 by reciting that the parent plant used in step (a) is from Applicant's proprietary impatiens line, deposited under ATCC Accession Number PTA-1069, as suggested by the Examiner. Page 4, lines 26-27 of the specification has been amended to make this clear. Applicant thanks the Examiner for her suggestion.

Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 31 and 34-38 under 35 U.S.C. § 112, first paragraph, for not enabling any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope of the claims.

CONCLUSION

Applicant respectfully submits that the claims comply with the requirements of 35 U.S.C. Section 112. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below. If the Examiner notes any further matters which the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact the undersigned.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

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